

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Cynthia Bruce,

Plaintiff,

vs.

Ladies Choice Fitness Center Columbia, Inc.;
Ladies Choice Fitness Center Landmark, Inc.;
and Ladies Choice Fitness Center MI, Inc.

Defendants.

C/A No. 3:12-cv-02678-JFA-SVH

ORDER

This matter comes before the court on the failure of Ladies Choice Fitness Center Columbia, Inc., (“LCFC Columbia”) and Ladies Choice Fitness Center Landmark, Inc., (“LCFC Landmark”) to retain counsel.¹

The Magistrate Judge assigned to this action prepared a thorough Report and Recommendation (“Report”)² and opines that LCFC Columbia and LCFC Landmark be held in default for failure to defend and that the Clerk of Court be directed to docket an entry of default against them. ECF No. 64. The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation.

¹ Ladies Choice Fitness Center MI Inc. (“LCFC MI”) also has failed to file an answer or otherwise plead in this case. However, because that failure has not been shown by an affidavit showing LCFC MI has been served, as required by Fed. R. Civ. R. 55(a), the Clerk has not yet entered an entry of default against LCFC MI.

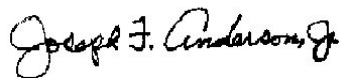
² The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

The parties were advised of their right to object to the Report, which was entered on the docket on October 24, 2013. However, they did not file objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the court adopts the Report, finds that LCFC Columbia and LCFC Landmark have failed to defend this action pursuant to Fed. R. Civ. P. 55(a), and directs the Clerk to enter an entry of default against them.

IT IS SO ORDERED.

November 14, 2013
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge